

Senate Bill 172

By: Senators Rogers of the 21st, Pearson of the 51st, Seabaugh of the 28th, Cagle of the 49th, Schaefer of the 50th and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, so as to require all applicants for drivers' licenses to present valid documentary evidence of United States citizenship or legal immigrant status; to provide for temporary resident status; to provide for temporary licenses, permits, or identification cards in some situations; to provide for renewal; to provide for related matters; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to issuance, expiration, and renewal of drivers' licenses, is amended by inserting immediately following Code Section 40-5-21 a new Code section to read as follows:

"40-5-21.1.

(a) Notwithstanding any other provision of this title, the department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the department, with the application, valid documentary evidence, from a list of acceptable documents maintained by the department, that the applicant is either:

(1) A citizen of the United States;

(2) A legal permanent resident of the United States; or

(3) A conditional resident alien of the United States.

(b) Notwithstanding the provisions of subsection (a) of this Code section, an applicant who presents in person valid documentary evidence of:

(1) Admission to the United States in a valid, unexpired nonimmigrant status;

(2) A pending or approved application for asylum in the United States;

(3) Admission into the United States in refugee status;

(4) An approved application for temporary protected status in the United States;

1 (5) Approved deferred action status; or

2 (6) Other federal documentation verified by the United States Department of Homeland
3 Security to be valid documentary evidence of lawful presence in the United States under
4 federal immigration law

5 may be issued a temporary license, permit, or special identification card. Such temporary
6 license, permit, or special identification card shall be valid only during the period of time
7 of the applicant's authorized stay in the United States or if there is no definite end to the
8 period of authorized stay a period of one year. Any temporary license, permit, or special
9 identification card issued pursuant to this subsection shall clearly indicate that it is
10 temporary and shall state the date that it expires. Such a temporary license, permit, or
11 special identification card may be renewed only upon presentation of valid documentary
12 evidence that the status by which the applicant qualified for the temporary license, permit,
13 or special identification card has been extended by the United States Immigration and
14 Naturalization Service or the Bureau of Citizenship and Immigration Services of the
15 Department of Homeland Security.

16 (c) Any license for which an application has been made for renewal, duplication, or
17 reissuance shall be presumed to have been issued in accordance with the provisions of
18 subsection (a) of this Code section, provided that, at the time the application is made, the
19 license has not expired or been cancelled, suspended, or revoked. The requirements of
20 subsection (a) of this Code section shall apply, however, to a renewal, duplication, or
21 reissuance if the department is notified by a local, state, or federal government agency that
22 the individual seeking such renewal, duplication, or reissuance is neither a citizen or
23 national of the United States nor lawfully present in the United States."

24 **SECTION 2.**

25 This Act shall become effective on July 1, 2005, and shall be applicable to all permits,
26 licenses, and identification cards issued on or after that date.

27 **SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.